



COUNCIL REPORT

To: Mayor and Council

Date: May 9, 2023

From: Paul Gipps, CAO

File No: LL 23-01

Subject: **Liquor License Amendment for Niche Winery**

Report Prepared by: Kandice Brzezynski, Senior Business Licensing Official and Building Inspector

RECOMMENDATION to Consider and Resolve:

THAT Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement application (LL 23-01) for Niche Winery, at 1895 Bartley Road, in accordance with the information contained in this report.

STRATEGIC AREA(S) OF FOCUS

Strengthen our Community

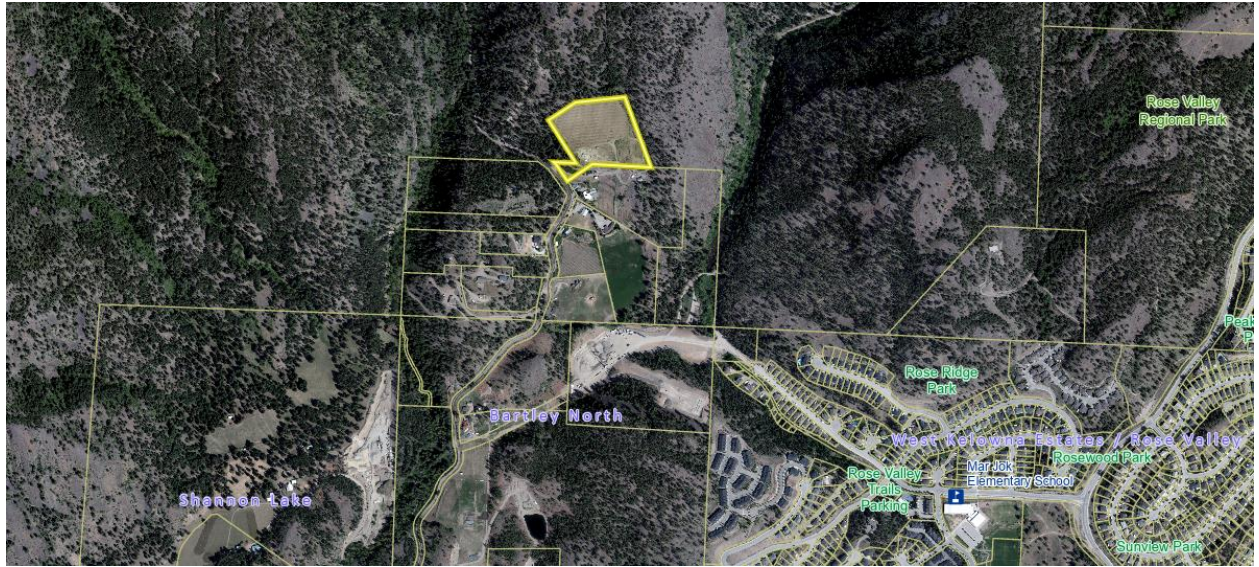
BACKGROUND

The Niche Winery production building construction was completed in June 2022 and is currently operating with a small tasting area within the footprint of the building. The winery also has a picnic area to the South of their building that allows patrons to purchase bottles of wine and enjoy them on the property. The applicant is now looking to expand their operation by allowing for indoor and outdoor lounge areas where patrons can enjoy the wine produced on-site.

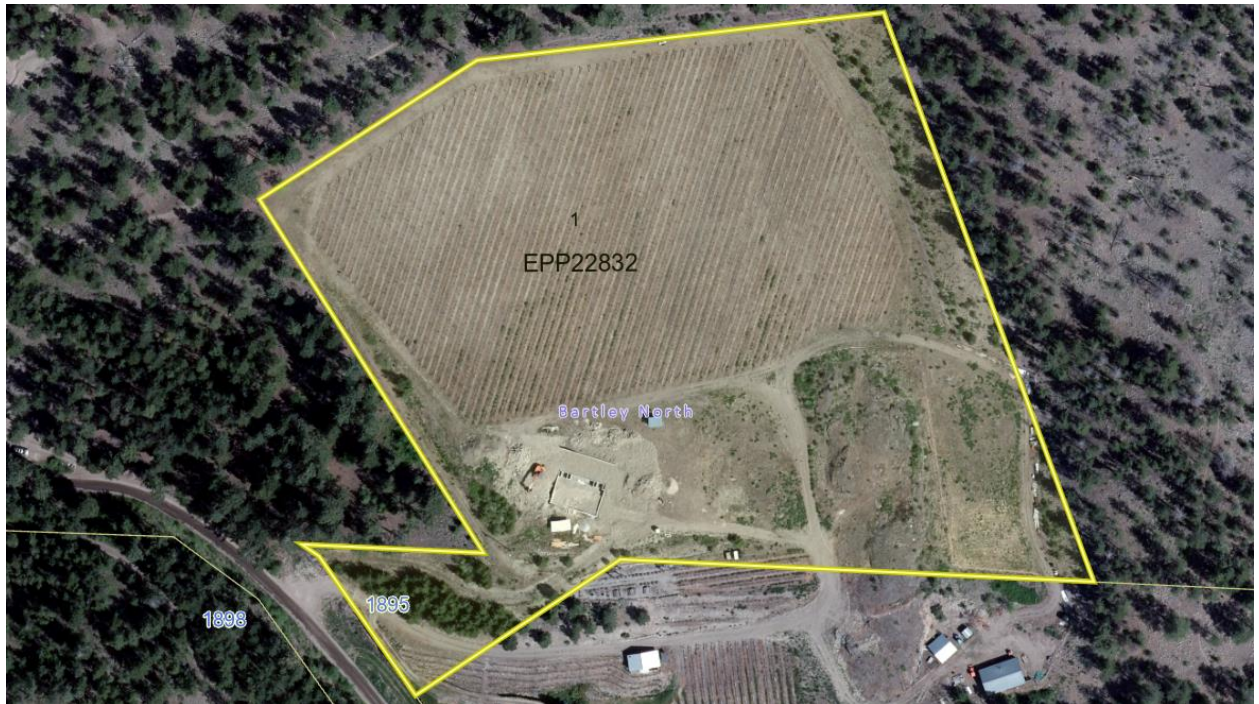
LEGISLATIVE REQUIREMENTS

The Provincial Government, through the Liquor and Cannabis Regulation Branch (LCRB), regulates the manufacturing and retail sales of liquor in British Columbia. The *Liquor Control and Licensing Act* requires the LCRB to consult local governments on requests for the issuance, amendment, or renewal of certain liquor licenses. This gives local governments an opportunity to gather the views of residents, as well as consider potential implications of the proposal and make any necessary recommendation(s). Upon making a resolution, LCRB request that the local government forward the applicable resolution, along with the report and corresponding meeting minutes.

CONTEXT MAP



PROPERTY MAP



PROPOSAL

In order to expand their existing operation, the applicant has applied for a lounge endorsement to their existing manufacturing liquor license. The proposal includes a 64m² (689 sq. ft.) indoor and 125m² (1345.5 sq. ft.) outdoor seasonal lounge located at the front (South) of the building (Attachment 2). The proposal complies with all City bylaw requirements and the requirements of the Agricultural Land Commission.



Figure 1. Site Plan

TECHNICAL REVIEW

The LCRB requests that all local governments consider and comment on specific criteria as outlined below. In consideration of these criteria, the following information has been provided:

Location

The 8.35 acres subject property is located in the Bartley Neighbourhood. The subject property includes an existing wine production building (262.4m²) that was built and completed in 2022.

Person Capacity

The person capacity of the proposed lounge area totals a maximum of 30 persons (including staff). This is similar to the wineries located in other rural large parcel zones or agricultural zones such as:

- Little Straw Winery – 26 persons
- The Gallery Winery – 50 persons

Proposed Hours of Liquor Service

The applicant is proposed the following hours of operation:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
9:00 pm	9:00 pm	9:00 pm	9:00 pm	9:00 pm	9:00 pm	9:00 pm

For context, the following are permitted hours of operation for liquor establishments along (or near) the Wine Trail:

- Mt. Boucherie from 10:00 am to 11:00 pm (10:00 am to 10:00 pm weekdays);
- Mission Hill from 11:00 am to 11:00 pm;
- Quails Gate from 10:00 am to 10:00 pm;
- The Gallery Winery from 10:00 am to 10:30 pm
- Little Straw Winery from 11:00 am to 9:00 pm

Despite these being the permitted hours per each operator's license, not all of these operators choose to service during these hours and are instead used as maximum limits for hours of operation.

Food Service

The lounge will regularly serve a variety of charcuterie boards or prepared snack foods that will be sold from 1) the onsite indoor tasting area, 2) from the current food cart located within the outdoor picnic area or 3) from third party licensed food trucks.

Impact to Traffic, Noise and Parking

The proposed winery is located within the Bartley Road Neighbourhood. The proposed location is well suited to ensure there is little to no impact on residents in the area as it is the last property on this road adjacent to Crown Lands, and the large property can accommodate all necessary parking. The proposed lounge is directly adjacent to the indoor lounge area at the front of the building and is South facing on the property. The low occupant load and operating hours will ensure reduced noise to the limited number of surrounding properties.

Impact on the Community if the Application is Approved

The proposed winery is located in an area surrounded by agriculture zoned properties, rural residential large parcel zoned properties and crown land. With the low person

capacity and shorter hours of operation, the impact on the community will be minimal. Despite having a minimal impact from a nuisance perspective, there may be a positive impact on residents in the area with a new experience for residents in the area, similar to residents in Lakeview Heights with access to the Wine Trail.

PUBLIC NOTIFICATION/CONSULTATION

As per the *Liquor Cannabis and Licensing Act*, the City was required to gather the comments and/or concerns of residents within the area of the proposal. The *Act* allows local governments to choose a single or multi-method approach to public notification. As such, a sign was posted on the subject property notifying the surrounding neighbours of the proposal. Additionally, a notice was mailed and hand deliver to all property owners or tenants within 100m of the subject property (4 mailed notices total). No responses were received at time of writing this report.

CONCLUSION

The following are key considerations for the recommended motion:

- The proposed indoor/outdoor lounge areas meet all applicable Zoning Bylaw requirements;
- The new lounge areas will help the business owner diversify their operation and contribute to tourism in West Kelowna; and
- The proposed Winery is located in a rural setting that will have minimal impact to the neighbours when considering hours of operation, number of people, and geography.

REVIEWED AND APPROVED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Site Plan with Bounding
2. Floor Plan